IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No. 8712 of 2004

Rasaidevi Shikshan Prasarak Mandal..petr
vs
The State of Mah and ors...Respondents

Mr.P.D.Dalvi for petitioner
Mr. C.R.Sonawane AGP for respondents

CORAM: A.P.SHAH & S.C DHARMADHIKARI JJ.

Dated 29.l0.2004

P.C:

Rule.

l. Respondents waive service. By consent, rule is made returnable forthwith.

2. The petitioner is an educational institution and is running a secondary school at village Keloshi, Taluka Radhanagari, District Kolhapur. On l.ll.2003 a public advertisement was issued by the Education Officer in local news paper calling for applications for running a secondary school at village Talgaon, Talukla Radhanagari, Dist. Kolhapur. In response to the said advertisement, petitioner filed its proposal for opening a econdary school on no grant basis on 28.ll.2003. The proposal of the petitioner was forwarded to the State Government for grant of sanction. By order

dated 23.6.2004 the State Government granted sanction and permitted to start a secondary school at Talgaon. The petitioner thereafter started the school and appointed staff. The petitioner has also admitted students to the new school.

3. The petitioner was served with the order dated 24.8.2004 issued by the State Government staying the permission granted in favour of the petitioner. No reasons are assigned in the said order for staying the permission and it is an admitted position that no opportunity of hearing was granted to the petitioner nor any prior notice was given. The petitioner has alleged that the impugned order was passed at the behest of a political worker of NCP who is interested in opening a secondary school in the said village.

4. The learned AGP submitted that the stay has been granted in view of the complaint filed by Shivshahi Madhyamik Shala, Talgaon.He fairly conceded that said school is not recognised and it is being run by the institution without obtaining permission from the concerned authorities. In the circumstances, it is not possible to sustain the impugned order and it is hereby quashed and set

aside. Rule is made absolute accordingly with no order as to costs.